

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, TO BE KNOWN AS THE PALM BEACH COUNTY PHYSICALLY DISABLED PARKING SPACE ORDINANCE; PROVIDING FOR THE INCORPORATION OF STATE LAW; PROVIDING FOR PENALTIES; PROVIDING FOR USE OF FUNDS; PROVIDING FOR WITHHOLDING OF LICENSE PLATES AND REVALIDATION STICKERS; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR APPLICABILITY; PROVIDING FOR REPEAL AND REPLACEMENT OF ORDINANCE NO. 85-42 AND ORDINANCE NO. 90-36; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statute §316.008(4) authorizes counties to enact an ordinance providing for a fine for the violation of Florida Statute §316.1955 and §316.1956, the statutes regulating physically disabled parking, and providing for the use of fines; and

WHEREAS, Florida Statute §316.1959 authorizes counties to enforce the provision of Florida Statutes regarding handicapped parking in their respective jurisdiction whether on public or private property in the same manner as is used to enforce other parking laws and ordinances by said agencies; and

WHEREAS, Florida Statute §316.1967(6) authorizes counties to adopt an ordinance providing for the Clerk of the Court to furnish the State of Florida, Department of Highway Safety and Motor Vehicles, a list of persons who have any outstanding violations of parking in spaces designated for use by disabled persons for the purpose of withholding issuance of a license tag or revalidation sticker until such parking fines and charges are paid; and

WHEREAS, the Board of County Commissioners believes that by enacting this ordinance, there will exist an incentive to prevent persons from the unauthorized parking in spaces designated for use by disabled persons and further provide an incentive to those persons who do receive such parking tickets to remit timely payment for same.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

**SECTION 1. Short Title**

This ordinance shall be known and may be cited as the Palm Beach County Physically Disabled Parking Space Ordinance.

1                    **SECTION 2. Incorporation of State Law**

2                    The provisions of Florida Statutes §316.1955 and §316.1956 are  
3 specifically incorporated herein by reference, and Palm Beach  
4 County is empowered to enforce such provisions.

5                    **SECTION 3. Penalties and Use of Funds**

6                    A.    A violation of Florida Statute §316.1955 or §316.1956  
7 shall be deemed an infraction, the fine for which shall be two  
8 hundred fifty (\$250.00) dollars. Penalties for late payment of  
9 fines shall be assessed pursuant to Florida Statute §318.18(8).  
10 The sums collected pursuant to this ordinance shall be used in the  
11 following manner:

12                    1.    One-third to be used to defray expenses for the  
13 administration of this ordinance and the provisions of the Florida  
14 Statutes regarding disabled parking violations.

15                    2.    Two-thirds to be used to provide funds to improve  
16 accessibility and equal opportunity to qualified physically  
17 disabled persons in the county and to provide funds to conduct  
18 public awareness programs in the county concerning physically  
19 disabled persons.

20                    B.    The penalties set forth herein are non-exclusive and may  
21 be imposed in addition to or in lieu of any other penalties set  
22 forth in Chapters 316, 318, and 320 of the Florida Statutes.

23                    **SECTION 4. Withholding of License Plates and Revalidation**  
24 **Stickers**

25                    A.    The Clerk of the Court shall supply the Department of  
26 Highway Safety and Motor Vehicles (DHSMV) with a computer tape reel  
27 or cartridge which is machine readable by the computer system  
28 installed at the DHSMV listing persons who have any outstanding  
29 violations of Florida Statutes §316.1955 and §316.1956 or this  
30 ordinance regulating parking in spaces designated for use by  
31 disabled persons.

32                    B.    If a person's name appears on the list referred to in  
33 Section 4.A. above, the Tax Collector shall not issue a license  
34 plate or revalidation sticker to such person until such person's  
35 name no longer appears on said list or until the person presents a  
36 receipt showing that such parking fines and all applicable late

1 charges or other related charges have been paid. Pursuant to  
2 Florida Statute §320.03(8), the Tax Collector and the Clerk of  
3 Court shall be entitled to receive monthly, as costs for  
4 implementing and administering this section, ten (10%) percent of  
5 the civil penalties and fines received from such persons whose  
6 names appear on the list referenced in 4.A., the monies due the Tax  
7 Collector and the Clerk of Court pursuant to this section shall be  
8 deducted prior to the calculation of distribution of funds pursuant  
9 to Section 3.A. above.

10 C. Pursuant to the authority granted in Florida Statutes  
11 §316.1967 and §320.03, this section shall be applicable throughout  
12 Palm Beach County as a County Ordinance, including the  
13 municipalities situated therein if they so desire to participate,  
14 provided, however, that the chief local official responsible for  
15 enforcement of parking violations in each municipality shall be  
16 responsible for preparing and supplying the list of persons who  
17 have any outstanding parking violations within his or her  
18 respective jurisdiction to the DHSMV. Said list shall include the  
19 tag number of the vehicle, as well as any other information  
20 required by the DHSMV. The municipalities shall provide the Clerk  
21 of the Court with the list submitted to DHSMV and a list of persons  
22 who have remitted payment for tickets issued. Said compilations  
23 shall be provided monthly.

24 D. Any person owing money for parking tickets issued by a  
25 municipality shall remit payment for same directly to the  
26 municipality, not the Clerk of Court's Office.

27 E. The Sheriff of Palm Beach County shall provide the Clerk  
28 of Court with all information required by the Department of Highway  
29 Safety and Motor Vehicles.

30 **SECTION 5. Inclusion in the Code of Laws and Ordinances**

31 The provisions of this ordinance shall become and be made a  
32 part of the Code of Laws and Ordinances of Palm Beach County,  
33 Florida. The sections of this ordinance may be renumbered or  
34 relettered to accomplish such, and the word "ordinance" may be  
35 changed to "section", "article", or any other appropriate word.

1                    **SECTION 6. Applicability**

2                    It is hereby provided that this ordinance shall constitute a  
3 uniform law applicable in all the unincorporated and incorporated  
4 areas of Palm Beach County, Florida, to the extent permitted by the  
5 Florida Constitution, Article VIII, Section 1, and the Florida  
6 Statutes pertaining to handicapped parking.

7                    **SECTION 7. Severability**

8                    If any section, paragraph, sentence, clause, phrase, or word  
9 of this ordinance is for any reason held by a Court to be  
10 unconstitutional, inoperative or void, such holding shall not  
11 affect the remainder of this ordinance.

12                   **SECTION 8. Repeal of Laws in Conflict**

13                   This ordinance shall repeal, supersede, and replace Ordinances  
14 No. 85-42 and No. 90-36. All other local laws and ordinances in  
15 conflict with any provisions of this ordinance are hereby repealed.

16                   **SECTION 9. Effective Date**

17                   The provisions of this ordinance shall become effective upon  
18 receipt of acknowledgement by the Secretary of State.

19                   APPROVED and ADOPTED by the Board of County Commissioners of  
20 Palm Beach County, Florida, on the 20th day of October,

21 1992.

22                   MILTON T. BAUER, CLERK  
23                   Board of County Commissioners

24                   By: Judith Craslow  
25                   DEPUTY CLERK

26                   PALM BEACH COUNTY, FLORIDA, BY ITS  
27                   BOARD OF COUNTY COMMISSIONERS

28                   By: [Signature]

29                   APPROVED AS TO FORM AND  
30                   LEGAL SUFFICIENCY

31                   By: [Signature]

32                   Acknowledgement by the Department of the State of Florida, on  
33 this, the 30th day of October, 1992.

34                   **EFFECTIVE:** Acknowledgement from the Department of State  
received on the 3rd day of November, 1992, at  
1:46 P.M., and filed in the Office of the Clerk of the Board  
of County Commissioners of Palm Beach County, Florida.

[b:bhs\disable.ord]

4                   STATE OF FLORIDA COUNTY OF PALM BEACH  
The ex-officio Clerk of the Board of County Commissioners  
certify this to be a true and correct copy of the original filed in  
my office on 10/30/92  
DATED at West Palm Beach, FL on 11/5/92  
Clerk, BCC: [Signature]  
By: [Signature] D.C.  
Deputy Clerk